

VIRGINIA BOARD OF OPTOMETRY NEWS FOCUS



January 2007

President's Message

The Virginia Board of Optometry is participating in the Virginia Board of Health Professions "Sanctions Reference Study." Based upon analysis of the Board of Optometry's own sanctioning history and a focus on the factors such as type of disciplinary problem and severity, the Board deems relevant to appropriate sanctioning for violations, this study will provide a matrix of recommended sanctions. The Boards of Medicine, Dentistry, and Nursing have also participated in this study and have implemented their own tailored sanctions reference systems. Use by a board is voluntary, but all of the Boards with systems in place have reported that their system is helpful in determining sanctions. Since inception, they have used their systems in over 80% of their cases. This is important because it gives board members an idea of the range of sanctions given for similar problems in the past and helps to ensure that the same set of factors are considered for similar types of cases across respondents to better ensure fairness.

A large proportion of cases were resolved this year by Confidential Consent Agreements, (CCA). These will be included in the analysis of case results since they significantly impact overall discipline numbers. CCA's can only be offered once to a licensee and only for cases in which there was little to no patient harm. Look at the board's website for more information.

This past fall, Robert A. Nebiker the Director of the Department of Health Professions retired. The new Director is Sandra Whitley Ryals. She is the former Deputy Director and also previously served as Deputy Director of the Department of Professional and Occupational Regulation. Emily Wingfield, formerly an Assistant Attorney General and Counsel to the Board of Optometry, is the new Deputy Director for DHP.

Thank you to Dr. Schlabach for his involvement in representing Virginia's interest at the Association of Regulatory Boards of Optometry (ARBO). ARBO's activities and much more information can be learned at the Board's website. Please visit it to learn more about your profession and it's regulation in Virginia.

Sincerely yours,

David H. Hettler, O.D.

Members of the Board

David H. Hettler, OD President Oakton Second term expires 6/30/2010	Paula H. Boone, O.D. Vice President Portsmouth Second term expires 6/30/2009	William T. Tillar, O.D. Secretary Emporia First term expires 6/30/2007	Gregory P. Jellenek, O.D. Chesapeake, VA First term expires 6/30/2008	W. Ernest Schlabach, O.D. Harrisonburg, VA First term expires 6/30/2008	Jacquelyn S. Thomas Citizen Member Unexpired term expires 6/30/2007
---	--	--	---	---	---

TPA Certification is through the Board of Optometry NOT the Board of Medicine

by Gregory Jellenek, O.D.

As you probably remember a very long time ago, (now almost a decade), TPA certification for Virginia optometrists licensed through the Board of Optometry was done through a separate credentialing by the Board of Medicine. But as we all should know TPA certification is now done through the Board of Optometry which has eliminated the separate TPA certificate in favor of a license which reflects that the optometrist is TPA certified.

Licensing is not permanent, it must be renewed yearly or the individual may elect not to continue to be licensed. Those initially licensed on or after July 1, 1997 had to be TPA certified by the Board of Optometry. In 1997, existing licensees with TPA certification renewed both through the Board of Optometry, not Medicine. In 1997, all maintained records and regulatory functions associated with the TPA certification transferred from Medicine to Optometry in 1997. Complaints about optometrists are adjudicated by the Board of Optometry, not Medicine.

Sections 54.1-3215 (1) and (9) of the *Code of Virginia* prohibit deceit in practice and advertising which directly or indirectly deceives, misleads or defrauds the public. . . That means only true statements may be rendered to the public. Indicating that one is *currently* certified by the Board of Medicine cannot be true.

For the latest updates on meetings, minutes, and regulatory reviews, go to [The Virginia Regulatory Town Hall](http://www.townhall.virginia.gov) (<http://www.townhall.virginia.gov>.)

CE - What is It and Why?

by Ernest Schlabach, O.D.

The General Assembly legislated that optometrists must complete 16 hours of Board approved continuing education (CE) per year to retain competency. For those with TPA, two of those hours must directly relate to prescribing and administering those drugs. It is a stretch for me to equate 16 hours of CE with competency to practice optometry at its highest level.

PLEASE be aware that penalties apply for failure to get the proper number of hours and type of CE. Five percent of doctors will be audited again this year.

Last year's audit revealed a failure rate of 17% which is a significant problem. This year, the Board has determined that in addition to requiring that the licensee obtain the missing hours, a \$300 fine will be levied for the first hour and an additional \$200 per hour for subsequent missing hours.

There were no changes to 2006's CE renewal requirements. But, it appears that the future will likely involve change. Ways to improve the quality and consistency of optometric CE are being evaluated and debated at the national and state levels. More didactic and clinical components in courses, more on-line options, and evaluation through final testing are issues being debated not for punitive reasons but to better ensure ongoing competency.

Renewal Fees

by Ernest Schlabach, O.D.

Good news! Due to a surplus in Board funds, the renewal fee has been reduced to \$90 for TPA licensees and \$75 for others.

A Word about Professional Designations by Ernest Schlabach, O.D.

Be sure to renew your Professional Designation (PD) for each location. A common mistake is to renew for only one location. Also be sure that you use the PD *exactly* as it is registered with the Board.

Statistics

Licensure

As of January 17, 2007 the number of Virginia licensed optometrists with Therapeutic Pharmaceutical Agents (TPA) certification continued to reach over 1,100. Fewer than 75 licensees with Virginia addresses lack TPA competency. There are 173 Professional Designations registered, also.

License Type	Address	Count
TPA Optometrist	In Virginia	853
TPA Optometrist	Out-of-state	263
TPA Optometrist TOTAL		1,116
Non TPA Optometrist	In Virginia	72
Non TPA Optometrist	Out-of-state	168
Non TPA Optometrist TOTAL		240
GRAND TOTAL		1,529

Discipline

During FY 2006, the Board adjudicated 102 cases. Of these, 11 were closed with findings of violation. Confidential Consent Agreements resolved 21 additional cases. For details concerning Board disciplinary actions in FY 2006 as well as public

information on all Board of Optometry licensees, go to "License Lookup" on the Board's website:

[Virginia Board of Optometry - Home Page.](http://www.dhp.virginia.gov/optometry/default.htm)
(http://www.dhp.virginia.gov/optometry/default.htm)

Prescription Monitoring

As of June 2006, Virginia completed the implementation of a prescription monitoring program for the entire Commonwealth. The prescription monitoring program collects prescription data for Schedule II-IV drugs into a central database which can then be used by limited authorized users to assist in deterring the illegitimate use of prescription drugs. The information collected in this program is maintained by the Department of Health Professions, and strict security and confidentiality measures are enforced. Only those persons authorized by law can be provided information from the database, and the list of authorized persons is very limited. Prescribers and dispensers may query the database to assist in determining treatment history and to rule out the possibility that a patient is "doctor shopping" or "scamming" in order to obtain controlled substances. A prescriber must obtain written consent from the patient before submitting an inquiry.

Prescribers, Pharmacists, and other authorized users may now make requests for data from the Prescription Monitoring Program via a secure web page. This web page will assist authorized users in

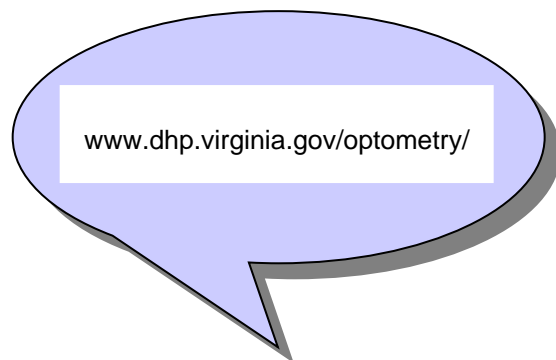
Prescription Monitoring (continued)

organizing their requests and the reports that are generated by the program. To access the [PMP Data Center click here](#).

If you are not already a registered user of the **PMP Data Center**, click on the "Not a User? Register to become a "User" link on the login screen, fill out the information form, click submit, then print the form out and **fax it to 804-662-9240**. Your User Name and Password will be mailed to your address of record on file with the Department of Health Professions. For questions about the PMP Data Center please call 804-662-9129.

2-1-1

DHP announces six month pilot with 2-1-1 Virginia. The Virginia Department of Health Professions is collaborating with 2-1-1 Virginia on a six-month pilot program to provide information on health care professionals licensed in Virginia by telephone to the citizens of the Commonwealth who may not have Internet access. Beginning October 31, 2006, citizens can dial 211 toll-free and ask for information such as the status of a provider's license and whether any actions have been taken on an individual's license by one of Virginia's thirteen health regulatory boards. 211 is available in every



BOARD CONTACT INFORMATION

Virginia Board of Optometry
6603 West Broad Street, 5th Floor
Richmond, VA 23230-1712
(804) 662-9910
(804) 662-7197 (TDD)
(804) 662-7098 (fax)
E-mail: optbd@dhp.virginia.gov *Staff:*
Elizabeth A. Carter, Ph.D., Executive Director
Carol Stamey,
Administrative Assistant

BOARD CALENDAR

January 11, 2007	Formal Hearing
January 11, 2007	Continuing Education Committee
January 30, 2007	Special Conferences
March 15, 2007	Board Meeting/Hearing(s)
May 18, 2007	Board Meeting/Hearing(s)
June, 11, 2007	Special Conferences
August 16, 2007	Special Conferences
September 26, 2007	Board Meeting/Hearing(s)
November 6, 2007	Special Conferences
December 6, 2007	Board Meeting/Hearing(s)
February 12, 2008	Board Meeting/Hearing(s)